

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

VERNON EARL COLEMAN,

Plaintiff,

v.

CIV No. 15-00959-JCH-WPL

WILLIAM P. JOHNSON, et al.,

Defendants.

**ORDER GRANTING EXTENSION OF TIME  
TO SUBMIT INITIAL PARTIAL PAYMENT**

This matter is before the Court on Plaintiff's Motions For Leave to Proceed Pursuant to 28 U.S.C. § 1915, filed on November 30, 2015 and December 10, 2015. [Docs. 6, 7] Plaintiff previously was granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 and, therefore, his motions will be denied as moot. [See Doc. 5] In its November 9, 2015 Order Granting Leave to Proceed Pursuant to 28 U.S.C. § 1915(b) and To Make Payments or Show Cause, the Court ordered Plaintiff "within thirty (30) days from entry of this order, . . . [to] send to the Clerk an initial partial payment of \$34.85 or show cause the payment should be excused." [Doc. 5]

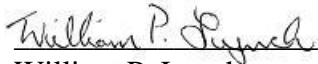
Plaintiff informs the Court that he has requested a release of funds in the amount of \$34.85 from his inmate account, "[h]owever, the Trulincs Account Transaction Staff member have not sent the [funds to] the Clerks Office." [Doc. 6] Plaintiff has submitted a copy of his request for the release of funds, dated November 15, 2015. [Doc. 7 at 4] Apparently, this request was not processed properly and Plaintiff submitted a second request, dated November 25, 2015. [Doc. 7 at 5] Plaintiff also has submitted copies of his account transaction history,

reflecting that \$34.85 was withdrawn from his account on November 15, 2015, refunded on December 1, 2015, and re-released on December 1, 2015. [Doc. 6 at 2; Doc. 7 at 2]

Additionally, Plaintiff submitted an e-mail from the Trulincs Trust Fund, dated December 3, 2015, indicating that a check in the amount of \$34.85 will be mailed to the Clerk's Office as soon as the funds are received. [Doc. 7 at 3] In light of Plaintiff's diligent efforts to submit the initial partial payment, the Court will grant Plaintiff a thirty (day) extension of time in which to comply with the Court's November 9, 2015 Order Granting Leave to Proceed Pursuant to 28 U.S.C. § 1915(b) and To Make Payments or Show Cause. [Doc. 5]

IT IS THEREFORE ORDERED that Plaintiff's Motions For Leave to Proceed Pursuant to 28 U.S.C. § 1915 [Docs. 6, 7] are DENIED AS MOOT;

IT IS FURTHER ORDERED that Plaintiff is granted a thirty (30) day extension of time in which to comply with the Court's order requiring Plaintiff to send to the Clerk an initial partial payment of \$ 34.85 or show cause why the payment should be excused.

  
\_\_\_\_\_  
William P. Lynch  
United States Magistrate Judge